



Security Council

Distr.: General
28 May 2003
English
Original: French

Letter dated 21 May 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the attached document containing the statement made by the Ivorian Government to the Commission on Human Rights (see annex). I should be grateful if you would have it issued as a document of the Security Council.

(signed) D. Philippe D. Djangone-Bi
Ambassador
Permanent Representative



Annex to the letter dated 21 May 2003 from the Permanent Representative of Côte d'Ivoire to the United Nations addressed to the President of the Security Council

Statement by the Government of Côte d'Ivoire on the human rights situation in Côte d'Ivoire

The turmoil in Côte d'Ivoire began on 19 September 2002, following a widespread and particularly bloody attack by heavily armed individuals.

Pushed back from Abidjan, these aggressors conquered Bouaké in the heart of the country and a number of towns in the north. Their armed structure later became known as the Mouvement Patriotique de Côte d'Ivoire. Out of the ashes of MPCI, two other rebel organizations were born in the western part of Côte d'Ivoire: the Mouvement Populaire du Grant Ouest (MPIGO) and the Mouvement pour la Justice et la Paix (MJP).

Prior to 19 September 2002, the human rights situation in Côte d'Ivoire was steadily improving. Deliberate measures had been taken to ensure the effective enjoyment of economic, social and cultural rights, particularly through the sound and efficient management of public finance and the law on Universal Health Insurance (AMU). Civil and political rights, forming an indivisible whole with the others were no less important. The respect shown by the Government of the second Republic for the independence of the justice system was unequivocal and genuine. While there may have been some misunderstanding regarding freedom of the press, it was a price that had to be paid in order to make Côte d'Ivoire a democratic State. The Government's human rights initiatives had thus paved the way for resuming its relations with donors, including the European Union, which had indeed made them a conditionality.

The war compromised the road ahead. On 19 September 2002 alone, there were 270 deaths and 300 injuries, among both civilians and the military. In the ensuing days, weeks and months, flagrant, deliberate and extremely serious human rights violations were committed in areas occupied by rebel movements. One need only recall the murder of about 100 police officers not involved in the conflict and their families in Bouaké, confirmed by the non-governmental organizations (NGOs) MISMA and Amnesty International; executions of civilian populations in towns under siege (Bouaké, Vavoua, Korhogo); rape, including of girls ranging from 10 to 14 years of age in Bouaké, Korhogo and Vavoua; the enlistment of child soldiers; cases of cruel, inhuman and degrading treatment such as being forced to swallow urine and human blood; the destruction of public and private property; the burning of village plantations; the opening of penitentiary facilities; and the enlistment of prisoners.

Coupled with these numerous atrocities were the closing of hospitals, schools and banks in towns under siege and the exodus of the populations, causing the death of women and children.

To this day, the populations in the western part of the country are the victims of unspeakable atrocities by rebels and Liberian mercenaries.

Although the argument of self-defence has been put forward, Côte d'Ivoire has taken legal measures to address the situation and ensure respect for the rights of individuals.

There have been crimes in the area under government control. They have been called the work of "death squads" by some, although, thus far, no connection among them has been established. The Government officially condemned them on 8 November 2002 and that same day, met with all the leaders of the defence and security forces to be briefed, urge vigilance and seek the immediate launching of inquiries.

The State fulfilled its positive obligation of prevention by declaring a curfew and publishing a toll-free hotline (800-020-20) for reporting human rights violations. The patrols of the forces of law and order have thus been strengthened.

It is very obvious, however, that, like other States, Côte d'Ivoire is incapable of setting up a foolproof crime control system, particularly in a war situation.

The inquiries launched whenever crimes have been committed, as evidenced by investigation squad record No. 942 of 11 November 2002, attest to compliance with the procedural obligation for an inquiry. It should be noted, however, that this is a genuine challenge because Côte d'Ivoire is at war.

Côte d'Ivoire is today more determined than ever to establish the rule of law, with human rights as the cornerstone of its social fabric. This is not because the eyes of the outside world are upon it, or because human rights are in vogue, but rather out of the deep conviction of its leaders.

Despite the war, the Ivorian Government remains anxious to protect human rights and will spare no effort to that end. This is one of the reasons that the Ministry of State for Human Rights, established on 5 August 2002, was transformed into the Ministry of Human Rights on 14 March 2003 with full powers.

This Ministry has not remained passive. To honour the Government's wish that it remain faithful to its basic mandate — creating an inclusive and people-centred democratic society — it took a number of initiatives during the period from 22 September 2002 and 4 December 2002. The Minister met, in particular, with:

- the Government of the District of Abidjan to request it to put a stop to the destruction of rundown neighbourhoods. The inhabitants of these neighbourhoods also received a visit from the Minister of Human Rights, bringing them Government assistance and reassurances;
- the organs of the United Nations system and ministries of foreign affairs to inform them of the human rights situation and hear their concerns;
- on 16 October 2002, the press and all non-governmental organizations to present the Government's human rights policy and seek their cooperation;
- on 4 December 2002, Senior Police Officers to raise their awareness of human rights issues.

In addition, the Minister:

- visited persons who had been injured or displaced by the war;

- travelled in late December 2002, representing the Government, to Brussels, Geneva, Paris and the United States of America to report on the human rights situation in Côte d'Ivoire.

To promote human rights in Côte d'Ivoire, the Ministry has published leaflets and disseminated radio and television messages on the basic rights of the human person:

- right to life,
- right to physical integrity, and
- prohibition of torture.

In the coming weeks, the Human Rights Journal will be available to the public.

Côte d'Ivoire, faced with a war it did not start, has agreed to dialogue at the request of the international community and in keeping with its long tradition of peace. As justice is a prerequisite for peace and pardon, the Government has decided to fight against impunity, as evidenced by the fact that:

- * As far back as 5 November 2002, the Government of the Republic of Côte d'Ivoire was the first to write to the Secretary-General of the United Nations to request the dispatch of an international fact-finding commission on human rights violations in Côte d'Ivoire.
- * On 8 November 2002, the Government issued a statement reiterating this request.
- * On 20 December 2002, the Minister of Human Rights renewed this request in Geneva (Switzerland) to the Office of the United Nations High Commissioner for Human Rights. The Ivorian Government is therefore pleased at the imminent dispatch of the United Nations Fact-finding Commission and is counting on its impartiality.
- * On 27 February 2003, the Government undertook to refer to the International Criminal Court.

The position of Côte d'Ivoire is illustrated by its invitation, in March 2003, to the special rapporteurs in Geneva on all forms of discrimination, torture and displaced persons. The special rapporteurs consented and are ready to come to Côte d'Ivoire as soon as the territory is completely liberated.

Anticipating that that will happen, Côte d'Ivoire is prepared to welcome on its soil a delegation of the Office of the United Nations High Commissioner for Human Rights. It believes that all the above-mentioned mechanisms are sufficient to assess the human rights situation in its territory without having to resort to other measures or mechanisms (country rapporteur or resolution of condemnation) which would be excessive and could well compromise the reconciliation process for a population that is deeply wounded both literally and by the unjust accusations levelled against it.

The reconciliation process that has begun can come to fruition only if it is based on justice and truth.

The return to peace and the emergence of an environment conducive to human rights presupposes the elimination of the factors that could provoke conflicts.

Ivorians and their Government will make the necessary sacrifices. The establishment of the Government of National Reconciliation is the proof. Certain conditions, however, are beyond their control, for example, foreign interference which has been confirmed, and which friendly major Powers, such as France and the United States, have themselves condemned and denounced. Arms trafficking in the West African subregion is an extension of such interference, as demonstrated by the panel of experts established by Security Council resolution 1306 (2000). Their report, which stigmatizes the role of the diamond and arms trades, is key to understanding the Ivorian crisis.

The Commission, to give effect to its mandate as an instrument of respect for human rights, should contemplate voting on a resolution aimed at securing the borders of Côte d'Ivoire and condemning all actors and brokers in arms trafficking. By tackling the problem at its root, it would contribute to the restoration of peace in Côte d'Ivoire.

Done in Abidjan, 2 April 2003

For the Government of the Republic of Côte d'Ivoire

(signed) Victorine Wodié
Minister of Human Rights